

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Hugo Brandstetter
DOCKET NO.: 03-29523.001-R-1
PARCEL NO.: 14-33-411-002-0000
TOWNSHIP: North Chicago

The parties of record before the Property Tax Appeal Board (PTAB) are Hugo Brandstetter, the appellant, by attorney David Bass of the law firm of Thompson Coburn Fagel Haber, of Chicago, and the Cook County Board of Review (board).

The subject property consists of 115-year-old, two-story, multi-family residence of masonry construction containing 2,579 square feet of living area. The subject features three full baths and a basement. The appellant contends overvaluation and lack of uniformity in the subject's assessment as the basis of the appeal. The subject is located in North Chicago Township.

The appellant contends that the subject is 2,309 square feet of living area. However, the appellant did not provide any information to support this contention. Therefore, the PTAB finds that for purposes of this appeal, the subject contains 2,579 square feet.

The appellant submitted a brief in support of the requested reduction in assessed value. The appellant also submitted an income analysis using the subject's income and expenses. The appellant opined a market value for the subject of \$312,383.

The appellant also submitted a uniformity analysis of five suggested comparables. These properties are two-story or three-story multi-family, masonry construction properties with full basements and three full baths. These properties range in age from 115 to 121 years. The square footage of living areas range from 3,161 to 3,998. The improvement assessments per square foot range from \$17.07 to \$18.21. The subject is assessed at \$22.40 per square foot.

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 10,861
IMPR. \$ 51,723
TOTAL: \$ 62,584

Subject only to the State multiplier as applicable.

PTAB/mmg

On the basis of this evidence, the appellant requested a reduction in the total assessment to either \$31,639 (based on the income approach), \$50,276 (based on the square footage argument), or \$56,233 (based on the equity argument).

The board of review submitted "Board of Review Notes on Appeal" wherein the subject's total assessment of \$62,584, was disclosed. In addition, assessment data and descriptions on four properties were presented. They are each two-story multi-family residences of masonry construction located in the same area as the subject and ranging in age from 115 to 136 years. These properties contain two or three full baths and two have a basement.

The properties range from 2,096 to 2,719 square feet of living area and have improvement assessments ranging from \$20.57 to \$24.73 per square foot of living area. On the basis of this evidence, the board requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds that a reduction in the assessment of the subject property is not warranted based on the evidence contained in the record.

The appellant's square footage argument has already been addressed and found to be lacking in substance. The appellant's remaining two arguments are market value based upon income and lack of uniformity based upon comparable properties. Neither argument prevails.

As per the appellant's equity argument, the Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The appellant has not met its burden.

The PTAB finds that the board's comparables are the most similar to the subject. These properties are all within two blocks of the subject and are the same construction, design and vintage as the subject. Further, the sizes of living areas range from 2,096 to 2,719 and the improvement assessments range from \$20.62 to \$24.73 per square foot of living area. The subject is below the range of the most similar comparables. The appellant's comparables are not as similar in location or size of living area.

As per the appellant's market value argument, when overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Adm.Code §1910.65(c)). Having considered the evidence and testimony presented, the PTAB finds that the appellant has not met this burden and a reduction is not warranted.

The PTAB finds the income approach unreliable. Regarding the appellant's utilization of the income approach for the subject, Illinois law does require that such property be valued taking into account its income producing potential. The proper basis under Illinois law is market rent not the contract rent in place on the property. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 18 (1989); Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428, 430, 431 (1970); Cunningham v. Property Tax Appeal Board, 225 Ill.App.3d 760, 763-765, 766 (1992). The taxpayer in the instant case has presented an analysis of the income and expenses of the subject property only has not presented market data. Additionally, the Property Tax Appeal Board finds the appellant has not established that the expenses deducted from the income are reflective of the market. As a result, the Board finds the appellant's income approach unreliable.

Therefore, based on a review of the record, the Property Tax Appeal Board finds that the appellant has not supported the contention of over assessment and a reduction in the assessment of the subject property is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member

Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: October 26, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the

subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.